
Introduced by Senator Chesbro

February 18, 2004

An act to amend Sections 4521 and 4547 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1364, as introduced, Chesbro. Developmental disabilities.

Existing law, the Lanterman Developmental Disabilities Services Act, establishes the State Council on Developmental Disabilities with 29 voting members, who, among other qualifications, are persons with developmental disabilities or parents, siblings, guardians, or conservators of these persons.

This bill would revise the qualification of members appointed to the council to substitute "immediate relatives" for "sibling" and would make conforming changes.

Existing law establishes the Area Boards on Developmental Disabilities and sets forth their membership and duties, including to protect and advocate the rights of all persons in the area with developmental disabilities.

This bill would make a technical change regarding appointment of an area board chairperson.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4521 of the Welfare and Institutions
- 2 Code is amended to read:

1 4521. (a) All references to “state council” in this part shall
2 be a reference to the State Council on Developmental Disabilities.

3 (b) There shall be 29 voting members on the state council
4 appointed by the Governor, as follows:

5 (1) One member from each of the 13 area boards on
6 developmental disabilities described in Article 6 (commencing
7 with Section 4543), nominated by the area board to serve as a
8 council member, who shall be persons with a developmental
9 disability, as defined in Section 15002(8) of Title 42 of the United
10 States Code, or parents, ~~siblings~~, or guardians of *minors with*
11 *developmental disabilities* or conservators of ~~these persons~~ *adults*
12 *with developmental disabilities* residing in California. Five of
13 these members shall be persons with a developmental disability,
14 as defined in Section 15002(8) of Title 42 of the United States
15 Code, three shall be parents, ~~siblings~~ *immediate relatives*,
16 guardians, or conservators of persons with developmental
17 disabilities, and five shall be either a person with a developmental
18 disability or a parent, ~~sibling~~ *immediate relatives*, guardian, or
19 conservator of a person with a developmental disability. The
20 nominee from each area board shall be an area board member who
21 was appointed by the Governor.

22 (2) Ten members of the council shall include the following:

23 (A) The Secretary of the California Health and Human
24 Services Agency, or his or her designee, who shall represent the
25 agency and the state agency that administers funds under Title XIX
26 of the Social Security Act for people with developmental
27 disabilities.

28 (B) The Director of Developmental Services or his or her chief
29 deputy.

30 (C) The Director of Rehabilitation or his or her chief deputy.

31 (D) The Superintendent of Public Instruction or his or her
32 designee.

33 (E) A representative from a nongovernmental agency or group
34 concerned with the provision of services to persons with
35 developmental disabilities.

36 (F) One representative from each of the two university centers
37 for excellence in the state, pursuant to 42 U.S.C. Section 15061 et
38 seq., providing training in the field of developmental services.
39 These individuals shall have expertise in the field of
40 developmental disabilities.

(G) The Director of Health Services or his or her chief deputy.

(H) A member of the board of directors of the agency established in California to fulfill the requirements and assurance of Section 142 of the Developmental Disabilities Act of 1984 for a system to protect and advocate the rights of persons with developmental disabilities.

(I) The Director of Aging or his or her chief deputy.

(3) Six members at large, appointed by the Governor, as follows:

(A) Two shall be persons with developmental disabilities, as defined in Section 15002(8) of Title 42 of the United States Code.

(B) One shall be a person who is a parent, ~~sibling~~ *immediate relative*, guardian, or conservator of a resident of a developmental center.

(C) One shall be a person who is a parent, ~~sibling~~ *immediate relative*, guardian, or conservator of a person with a developmental disability living in the community.

(D) One shall be a person who is a parent, ~~sibling~~ *immediate relative*, guardian, or conservator of a person with a developmental disability living in the community, nominated by the Speaker of the Assembly.

(E) One shall be a person with developmental disabilities, as defined in Section 15002(8) of Title 42 of the United States Code, nominated by the Senate Committee on Rules.

(c) Prior to appointing the 29 members pursuant to this section, the Governor shall request and consider recommendations from organizations representing, or providing services to, or both, persons with developmental disabilities, and shall take into account socioeconomic, ethnic, and geographic considerations of the state.

(d) The term of each member described in *paragraphs (1) and (2) of subdivision (b)* shall be for three years; provided, however, of the members first appointed by the Governor pursuant to paragraph (1) of subdivision (b), five shall hold office for three years, four shall hold office for two years, and four shall hold office for one year. In no event shall any member described in subdivision (b) serve for more than a total of six years of service. Service by any individual on any state council on developmental disabilities existing on and after January 1, 2003, shall be included in determining the total length of service.

1 (e) Members appointed to the state council prior to June 1,
2 2002, shall continue to serve until the term to which they were
3 appointed expires. Members appointed on June 1, 2002, or
4 thereafter shall have their terms expire on January 1, 2003.

5 (f) Notwithstanding subdivision (c) of Section 4546, members
6 described in subdivision (b) shall continue to serve on the area
7 board following the expiration of their term on the area board until
8 their term on the state council has expired.

9 (g) A member may continue to serve following the expiration
10 of his or her term until the Governor appoints that member's
11 successor. The state council shall notify the Governor regarding
12 membership requirements of the council and shall notify the
13 Governor at least 60 days before a member's term expires, and
14 when a vacancy on the council remains unfilled for more than 60
15 days.

16 SEC. 2. Section 4547 of the Welfare and Institutions Code is
17 amended to read:

18 4547. (a) Each area board shall meet at least quarterly, and on
19 call of the board chairperson, as often as necessary to fulfill its
20 duties. All meetings and records of the area board shall be open to
21 the public.

22 (b) (1) Each area board shall, by majority vote of the voting
23 members, elect its own chairperson from among the appointed
24 members who are persons with developmental disabilities, or
25 *parents*, immediate relatives, guardians, or conservators of these
26 persons, and shall establish any committees it deems necessary or
27 desirable. The board chairperson shall appoint all members of
28 committees of the area board.

29 (2) An area board may call upon representatives of all agencies
30 receiving state funds, for assistance and information, and shall
31 invite persons with developmental disabilities, their *parents*,
32 immediate relatives, guardians, or conservators, professionals, or
33 members of the general public to participate on area board
34 committees.

35 (3) When convening any task force or advisory group, the area
36 board shall make its best effort to ensure representation by
37 consumers and family members representing the community's
38 multicultural diversity.

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